

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Javon Rivers, Sr.,	)	C/A No.: 1:16-3229-JMC-SVH
	)	
Petitioner,	)	
	)	
vs.	)	
	)	ORDER
Warden of Lieber Correctional	)	
Institution,	)	
	)	
Respondent.	)	
	)	

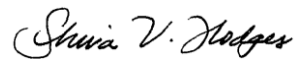
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Petitioner, proceeding pro se, brought this action requesting a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a motion for summary judgment on December 12, 2016. [ECF No. 14]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion and of the need for him to file an adequate response by January 11, 2017. [ECF No. 15]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. On January 5, 2017 and February 6, 2017, the undersigned extended Petitioner's deadline, granting him until March 13, 2017, to respond to Respondent's motion. [ECF Nos. 18, 21]

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned orders Petitioner to advise the court as to whether he wishes

to continue with this case and to file a response to Respondent's motion for summary judgment by March 30, 2017. In light of the extensions previously granted Plaintiff, no further extensions shall be granted absent exceptional circumstances. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Shiva V. Hodges".

March 16, 2017  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge